

**CITY OF WEST DES MOINES  
BOARD OF ADJUSTMENT COMMUNICATION**

**Meeting Date:** May 6, 2015

**Item:** Hy-Vee Corporate Offices Wind Turbine, 5820 Westown Pkwy – Approval of an approximately 44 foot tall wind turbine – Hy-Vee, Inc. – PC-002657-2015

**Requested Action:** Approval of a Permitted Conditional Use Permit

**Case Advisor:** Brian Portz, AICP *BP*

**Applicant's Request:** The applicant, Hy-Vee, Inc., is requesting approval of a Permitted Conditional Use Permit to allow construction of a free-standing, 43.31' tall, wind turbine on the south part of the site, adjacent to Interstate 235/80. Title 9, Chapter 14, Section 13 of City Code stipulates requirements for small wind energy conversion systems. A Permitted Conditional Use Permit is required in all zoning districts.

**History:** The existing building on the subject site was constructed in 1995 with expansions in 1999 and 2008. On April 20, 2015, the City Council approved a Major Modification to the site to construct a conference center expansion, an office addition, and associated site improvements.

**City Council Subcommittee:** This item was presented to the Development & Planning City Council Subcommittee as an informational item on April 23, 2015. Permitted Conditional Use applications generally are presented to the subcommittee for information only; no discussion regarding the wind turbine was had.

**Staff Review and Comment:** There are no outstanding issues. Staff would summarize the following key points of interest:

- **Board of Adjustment Code Interpretation:** City Code requires that a wind turbine be located entirely in the rear yard. On December 17, 2015, the Board of Adjustment discussed the interpretation of what constituted a rear yard on the property since the subject property is bordered by 60<sup>th</sup> Street on the west, Westown Parkway on the north, West Lakes Parkway on the east and Interstate 235/80 on the south. At the time, Hy-Vee provided 5 options for the location of the wind turbine (see Attachment C). The Board determined that based on the definition of a rear yard in City Code, options 3 and 4 (as identified on Attachment C) would be the only options that would meet the intent of the Code. Options 1 and 5 would not meet the definition of a rear yard because they would actually be considered the front yard because they would be located closer to the street than the building. Option 2 would only meet the definition of a rear yard if the office addition was constructed. The construction of the office addition will be Phase 3 of the project and at this time there is no timeframe for when Phase 3 will begin. The wind turbine will be installed before the office addition is to begin. After hearing this interpretation, Hy-Vee chose option 4, which proposes the wind turbine to be located on the south side of the property adjacent to Interstate 235/80. The proposed wind turbine will meet all bulk regulations stated in 9-14-13.

**Permitted Conditional Use Permit Findings:** The following findings have been made on the proposed permitted conditional use:

1. The proposed development and use is consistent with the West Des Moines Comprehensive Plan in that the project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan.
2. The proposed development and use does assure compatibility of property uses within the zone and general area in that this project was reviewed by various City Departments for compliance with the Zoning Ordinance.
3. All applicable standards and conditions have been imposed which protects the public health, safety and welfare in that this project was reviewed by various City Departments and public agencies for compliance with the various state and local regulations. Based upon that review a finding is made that the project has been adequately conditioned to protect the health, welfare, and safety of the community.

4. There is adequate on-site and off-site public infrastructure to support the proposed development in that this project was reviewed by various public agencies and City Departments and public utilities to ensure that either the petitioner will construct or the project has been conditioned to construct adequate public infrastructure to serve the development.
5. The proposed development and use have met the requirements contained in the City Code in that this project was reviewed by various City Departments and public agencies and the project has complied with or has been conditioned to comply with all City Code requirements.
6. The proposed development and use is in keeping with the scale and nature of the surrounding neighborhood in that the proposed project is consistent with the Zoning regulations and the Comprehensive Plan which designates this site as suitable for development such as that proposed by this project.

**Noticing Information:** On April 17, 2015, notice of the May 5, 2015, Board of Adjustment Public Hearing on this project was published in the *Des Moines Register*. Notice of this public hearing was mailed to surrounding property owners within 370 feet of the subject property on April 14, 2015.

**Staff Recommendations and Conditions of Approval for the Permitted Conditional Use Permit:** Based upon the review of the proposal, a finding of consistency with the goals and policies of the Comprehensive Plan, and compliance with the findings necessary for approval, staff recommends the Board of Adjustment adopt a resolution for approval of the Permitted Conditional Use Permit to allow construction of an approximately 44 foot tall wind turbine, subject to meeting all City Code requirements and regulations and the following:

1. The applicant shall work with the Fire Department on labeling what panels this wind turbine will power so electricity can be neutralized through an EPO button or turbine power off switch during an emergency.
2. The applicant shall work with the City Building Department to obtain any required building permits.

**Property Owner:** Hy-Vee Food Stores, Inc.  
1801 Osceola Avenue  
Chariton, IA 50049

**Applicant/Applicant's Representative:**  
Hy-Vee, Inc.  
5820 Westown Parkway  
West Des Moines, IA 50266  
Attn: Daniel Willrich  
[dwillrich@hy-vee.com](mailto:dwillrich@hy-vee.com)

**Attachments:**

Attachment A	-	Permitted Conditional Use Resolution
Exhibit A	-	Conditions of Approval
Attachment B	-	Location Map
Attachment C	-	Proposed Wind Turbine Locations
Attachment D	-	Site Plan
Attachment E	-	Picture of Proposed Wind Turbine
Attachment F	-	Wind Turbine Cut Sheets

Prepared by: B. Portz, Development Services PO Box 65320 West Des Moines IA 50265-0320 515-222-3620  
When Recorded, Return to: City Clerk, City of West Des Moines PO Box 65320 West Des Moines IA 50265-0320

**RESOLUTION**

**A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING A PERMITTED CONDITIONAL USE PERMIT (PC-002657-2015) TO ALLOW CONSTRUCTION OF A SMALL WIND ENERGY CONVERSION SYSTEM AT 5820 WESTOWN PARKWAY**

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Hy-Vee Inc., has requested approval of a Permitted Conditional Use permit to allow construction of an approximately 44 foot tall wind turbine at 5820 Westown Parkway, and legally described as follows:

Legal Description of Property

LOTS 15, 16, 17, 18 & PARCEL A OF LOT 3, AN OFFICIAL PARCEL RECORDED IN  
BOOK 12259, PAGE 415 AT THE POLK COUNTY RECORDER'S OFFICE ALL IN  
WEST LAKES OFFICE PARK PLAT 2, AN OFFICIAL PLAT RECORDED IN BOOK 6435,  
PAGE 429 AT THE POLK COUNTY RECORDER'S OFFICE,  
CITY OF WEST DES MOINES, POLK COUNTY, IOWA

**WHEREAS**, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

**WHEREAS**, on May 6, 2015, the Board of Adjustment held a duly-noticed public hearing to consider the application for Permitted Conditional Use Permit (PC-002657-2015);

**NOW, THEREFORE**, THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report, dated May 6, 2015, or as amended orally at the Board of Adjustment hearing of May 6, 2015, are adopted.

SECTION 2. PERMITTED CONDITIONAL USE PERMIT (PC-002657-2015) to allow construction of an approximately 44 foot tall wind turbine at 5820 Westown Parkway is approved, subject to compliance with all the conditions in the staff report, dated May 6, 2015, including conditions added at the Hearing, and attached hereto as Exhibit "A", if any. Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on May 6, 2015.

\_\_\_\_\_  
Michael Blaser, Board of Adjustment

ATTEST:

\_\_\_\_\_  
Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Adjustment for the City of West Des Moines, Iowa, at a regular meeting held on May 6, 2015, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

ATTEST:

\_\_\_\_\_  
Recording Secretary

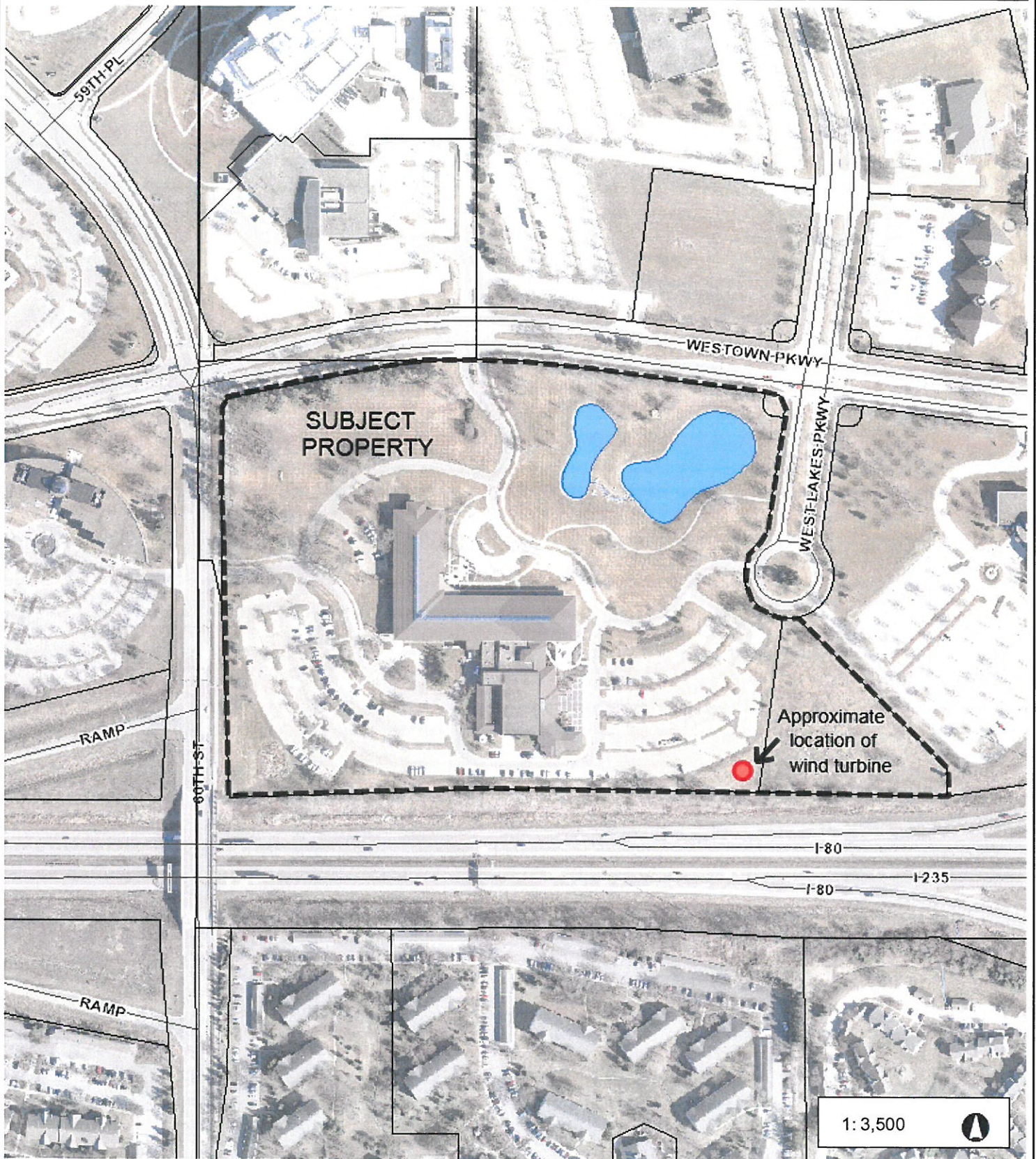
Exhibit A  
Conditions of Approval

1. The applicant shall work with the Fire Department on labeling what panels this wind turbine will power so electricity can be neutralized through an EPO button or turbine power off switch during an emergency.
2. The applicant shall work with the City Building Department to obtain any required building permits.





# Hy-Vee Wind Turbine - Location Map



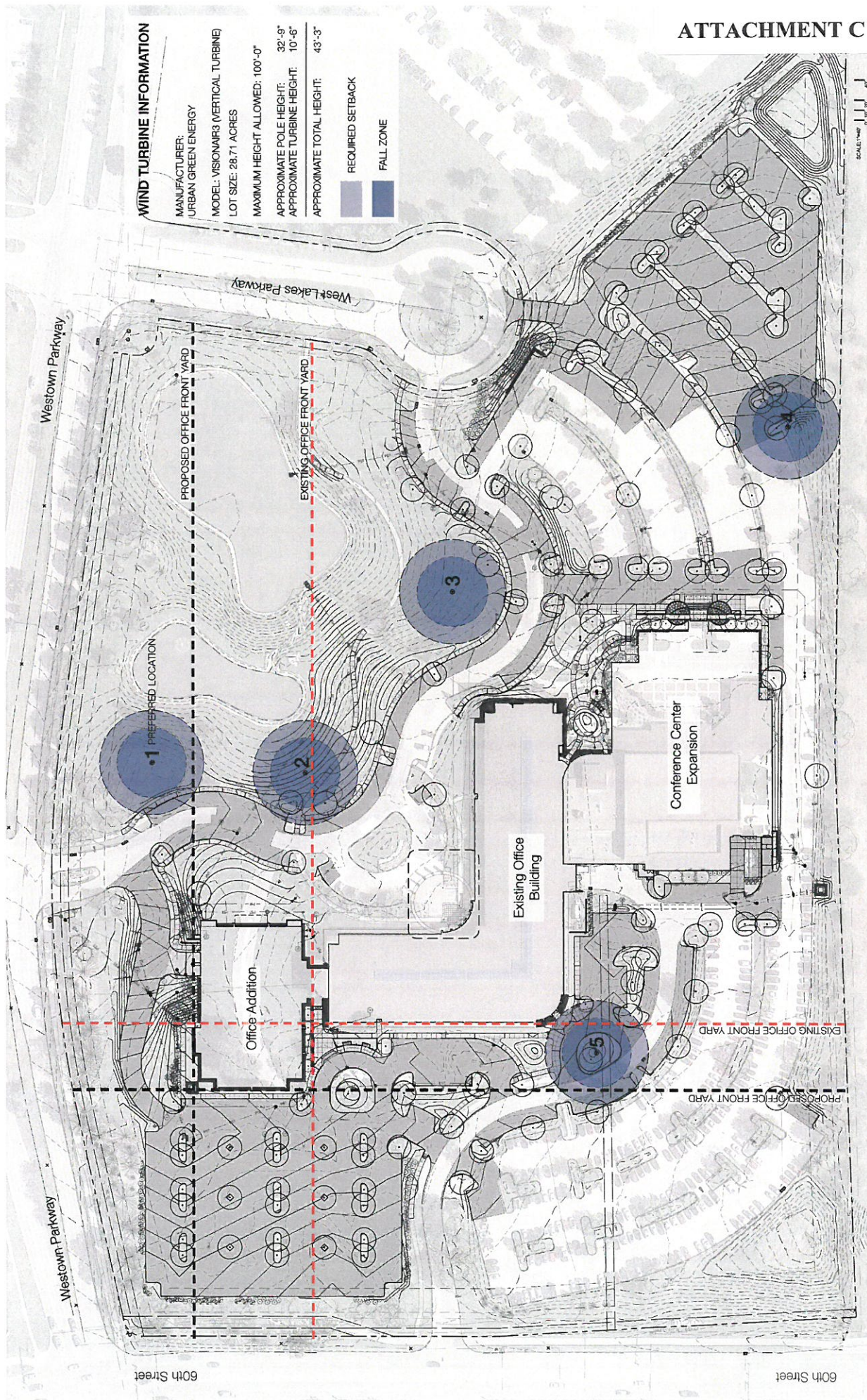
583.3 0 291.67 583.3 Feet

NAD\_1983\_StatePlane\_Iowa\_South\_FIPS\_1402\_Feet  
© City of West Des Moines, Iowa

Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.

THIS MAP IS NOT TO BE USED FOR NAVIGATION





# ATTACHMENT C

HY-VEE CORPORATE EXPANSION  
**PROPOSED WIND TURBINE LOCATIONS**  
 West Des Moines, Iowa

Considered by BDA on December 17, 2014

CONFLUENCE  
 December 15, 2014



ATTACHMENT D

1466 28th Street, Suite 200  
West Des Moines, Iowa 50266  
515 327 5990 Fax 515 327 5991

- GENERAL CONTRACTOR  
HY-VEE CONSTRUCTION  
5605 N.E. 22ND STREET  
DES MOINES, IOWA 50313  
TEL: 515.643.2300 FAX: 515.643.2333
- CIVIL ENGINEER  
LT LEON ASSOCIATES, INC.  
500 EAST LOCUST STREET, SUITE 400  
DES MOINES, IOWA 50309  
TEL: 515.422.7018 FAX: ---
- LANDSCAPE ARCHITECT  
CONFLUENCE  
1300 WALNUT STREET, SUITE 200  
DES MOINES, IOWA 50309  
TEL: 515.288.4875 FAX: 515.288.8309
- STRUCTURAL ENGINEER  
CHARLES SAUL, ENGINEERING, INC.  
4308 UNIVERSITY AVENUE  
DES MOINES, IOWA 50311  
TEL: 515.279.3900 FAX: 515.279.5233
- MECHANICAL ENGINEER  
BLUESTONE ENGINEERING  
9119 NORTH PARK DRIVE  
JOHNSON, IOWA 50131  
TEL: 515.727.0700 FAX: 515.727.0777
- ELECTRICAL ENGINEER  
BLUESTONE ENGINEERING  
9119 NORTH PARK DRIVE  
JOHNSON, IOWA 50131  
TEL: 515.727.0700 FAX: 515.727.0777
- ACOUSTIC CONSULTANT  
AVANT ACOUSTICS, INC.  
14827 WEST 90TH STREET  
LENEXA, KS 66215  
TEL: 913.888.9111 FAX: 913.888.9193
- FOOD SERVICE DESIGN  
ROBERT RIPPE & ASSOCIATES, INC.  
9117 BLUE CIRCLE DRIVE, SUITE 100  
MINNEAPOLIS, MN 55343  
TEL: 952.833.0310 FAX: 952.833.0661

SEAL / LOGO

PROJECT NAME:  
**HY-VEE CORPORATE  
EXPANSION**  
5820 WESTOWN PARKWAY  
WEST DES MOINES, IOWA

NOT FOR  
CONSTRUCTION

DRAWING ISSUE INFORMATION:  
ISSUE FOR: CITY SUBMITTAL  
ISSUE DATE: 03.27.2015

MARK DATE DESCRIPTION

MANAGEMENT INFORMATION:

PROJECT NO.: 13014

CAD DWG FILE: L3.00-Layout Plan.dwg

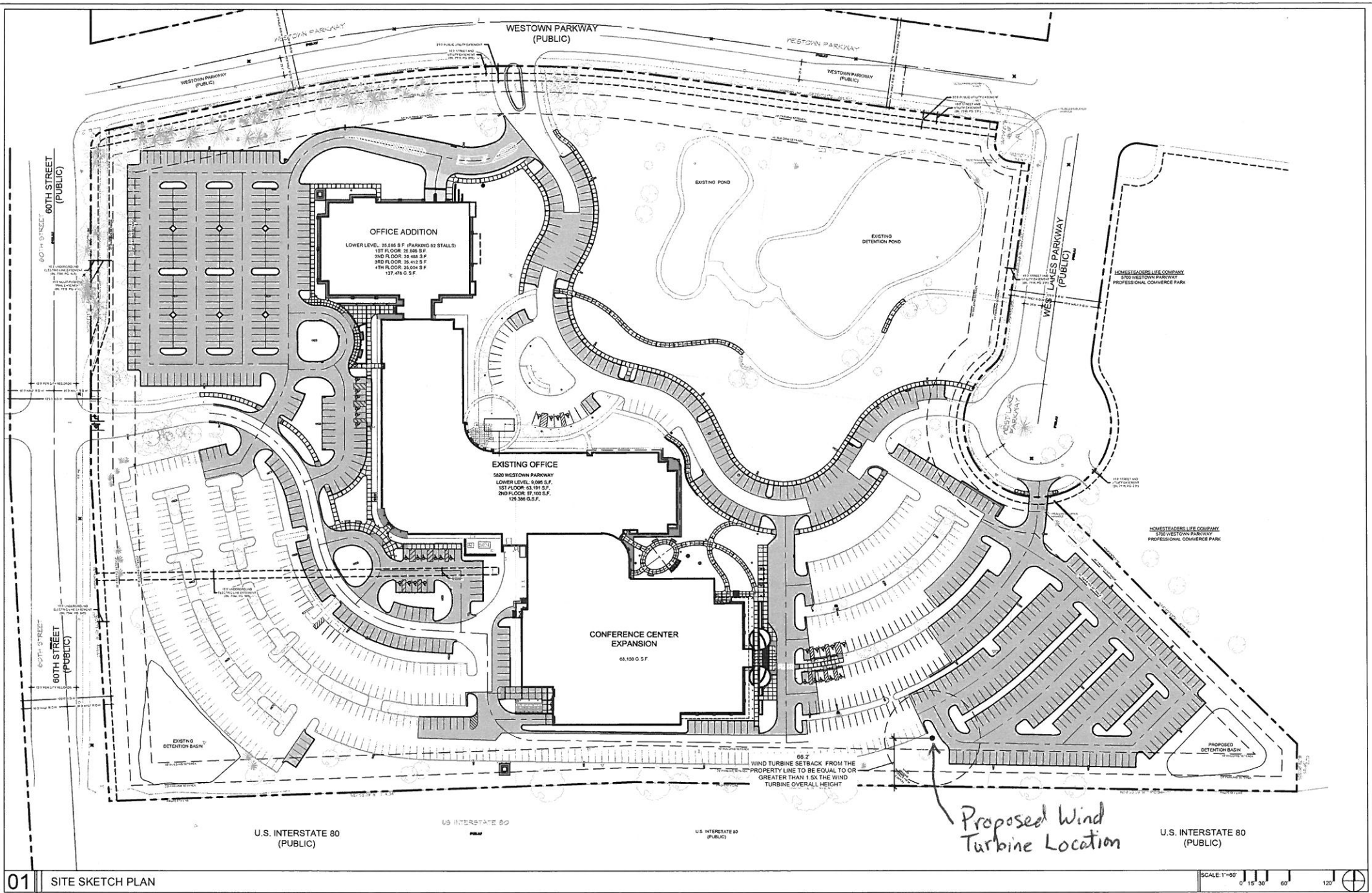
PRINCIPAL IN CHARGE: PROJECT ARCHITECT: DRANN BY: CHECKED BY:

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SHEET TITLE:  
**WIND TURBINE  
SKETCH PLAN**

SHEET NO.

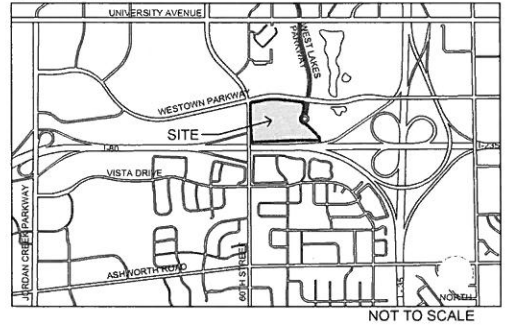
**L3.00WT**



SYMBOLS & ABBREVIATIONS

- |     |                          |      |                            |
|-----|--------------------------|------|----------------------------|
| CL# | PROPERTY LINE            | R    | RADIUS                     |
| CLR | WATER MAIN               | RCP  | REINFORCED CONCRETE PIPE   |
| DIA | SANITARY SEWER           | RIM  | RIM ELEVATION              |
| EJ  | STORM SEWER              | RV   | FIRE HYDRANT               |
| FES | OVERHEAD ELECTRIC        | TV   | WATER VALVE                |
| FFE | UNDERGROUND ELECTRIC     | TEE  | TEE CONNECTION             |
| FL  | CENTERLINE               | LPT  | LIGHT POLE, EXISTING       |
| HP  | FIBER OPTIC LINE         | LFP  | LIGHT POLE, SINGLE FIXTURE |
| LP  | GAS LINE                 | LDP  | LIGHT POLE, DOUBLE FIXTURE |
| MFR | EASEMENT LINE            | SPOT | SPOT ELEVATION             |
| NIC | SILT FENCE               | KEY  | KEY NOTE                   |
| PVC | PROPOSED INDEX CONTOUR   | SD   | SURFACE DRAINAGE           |
|     | EXISTING INDEX CONTOUR   | SM   | STORM MANHOLE              |
|     | HORIZONTAL CURVE         | SH   | SANITARY MANHOLE           |
|     | EXPANSION JOINT          | SC   | STORM SEWER CURB INTAKE    |
|     | FLARED END SECTION       | SSA  | STORM SEWER AREA INTAKE    |
|     | FINISHED FLOOR ELEVATION | HP   | HANDICAP PARKING STALL     |
|     | FLOW LINE                |      |                            |
|     | LOW POINT                |      |                            |
|     | MANUFACTURER             |      |                            |
|     | NOT IN CONTRACT          |      |                            |
|     | P.V.C. PIPE              |      |                            |

VICINITY SKETCH



NOT TO SCALE

STATE OF IOWA  
BRIAN CLARK  
LANDSCAPE ARCHITECT  
NO. 277

I HEREBY CERTIFY THAT THE PORTION OF THIS DOCUMENT WAS  
PREPARED BY ME OR UNDER MY PERSONAL SUPERVISION, AND  
THAT I AM A DULY REGISTERED LANDSCAPE ARCHITECT UNDER  
THE LAWS OF THE STATE OF IOWA.

BRIAN CLARK IOWA REGISTRATION #277 DATE  
MY REGISTRATION DATE IS JUNE 30, 2015  
SHEETS COVERED BY THIS SEAL: L3.00WT

OWNER / APPLICANT  
HY-VEE FOOD STORES, INC.  
5820 WESTOWN PARKWAY  
WEST DES MOINES, IA 50266  
PH: (515) 774-2121  
CONTACT: DANIEL WILLRICH

LANDSCAPE ARCHITECT  
CONFLUENCE  
1300 WALNUT STREET, SUITE 200  
DES MOINES, IOWA 50309  
PH: (515) 288-4875  
FX: (515) 288-8359  
E-MAIL: JBOETGER@CONFLUENCE.COM  
CONTACT: JILL BOETGER

ARCHITECT  
SVPA ARCHITECTS, INC.  
1466 28TH STREET, SUITE 200  
WEST DES MOINES, IOWA 50266  
PH: (515) 377-5800  
CONTACT: SCOTT HATFIELD

ZONING AND LAND USE  
EXISTING ZONING: PCP (PROFESSIONAL COMMERCE PARK DISTRICT)  
PROPOSED ZONING: PCP (PROFESSIONAL COMMERCE PARK DISTRICT)  
EXISTING LAND USE: OFFICE AND CONFERENCE CENTER  
PROPOSED LAND USE: OFFICE AND CONFERENCE CENTER  
EXISTING COMPREHENSIVE PLAN: OFFICE  
PROPOSED COMPREHENSIVE PLAN: OFFICE

LEGAL DESCRIPTION  
THAT PART OF:  
LOTS 15, 16, 17, AND 18 WEST LAKES OFFICE PARK PLAT TWO, AN  
OFFICIAL PLAT, CITY OF WEST DES MOINES, POLK COUNTY, IOWA,  
CONTAINING 27.030 ACRES MORE OR LESS.

PARCEL A BK: 12259 PO: 415 BEG NW COR OF LOT 3 THIN ELY 29.71F SE  
477.4 84.54F TO S LN LT 3W 419.87F TO SW COR LT 3 NE 401.22F TO  
POB LOT 3 WEST LAKES OFFICE PART PLAT 2

SITE SUMMARY

- A. TOTAL SITE AREA: 1,278,008.80 S.F. (29.34 ACRES)
- B. R.O.W. AREA  
60TH STREET: 8,005.15 S.F.  
WESTOWN PARKWAY: 18,567 S.F.  
TOTAL: 27,572.15 S.F. (0.93 ACRES)
- C. NET SITE AREA (A-B)  
1,250,434.65 S.F. (28.71 ACRES)
- D. 33% OPEN SPACE REQUIRED (C-.35)  
437,852.13 S.F. (10.05 ACRES)
- E. IMPERVIOUS AREA (G+H)  
EXISTING (TO REMAIN): 275,955.42 S.F.  
PROPOSED: 345,657.10 S.F.  
TOTAL: 621,612.52 S.F. (14.27 ACRES)
- F. OPEN SPACE (C-E+H)  
EXISTING: 747,241 S.F. (17.15 ACRES)  
PROPOSED: 580,892.41 S.F. (13.33 ACRES, 46.44%)
- G. BUILDING FOOTPRINT  
EXISTING (TO REMAIN): 211,745.42 S.F.  
PROPOSED: 255,353.10 S.F.  
TOTAL: 467,098.52 S.F. (10.72 ACRES)
- H. PARKING LOTS AND ROADS  
EXISTING (TO REMAIN): 211,745.42 S.F.  
PROPOSED: 255,353.10 S.F.  
TOTAL: 467,098.52 S.F. (10.72 ACRES)
- I. PARKING ISLANDS: 48,129.72 S.F. (1.10 ACRES)

GENERAL NOTES:

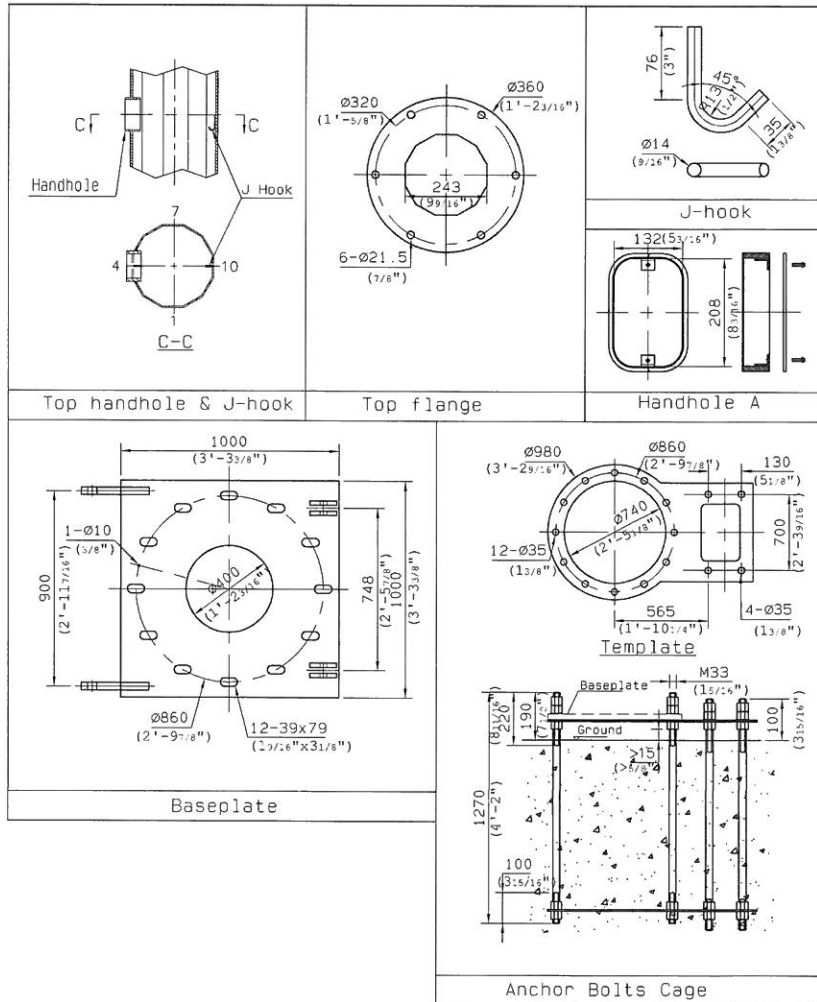
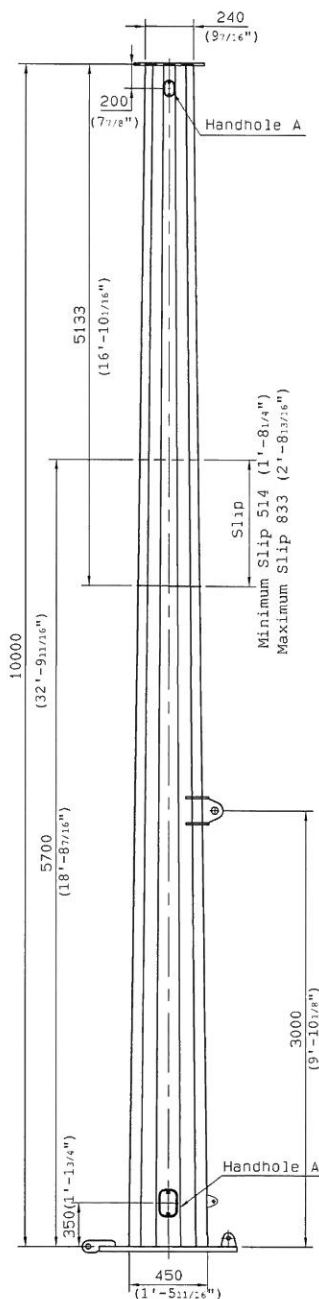
1. PROJECT ADDRESS:  
HY-VEE FOOD STORES, INC.  
5820 WESTOWN PARKWAY  
WEST DES MOINES, IA 50266
2. CONTACT INFORMATION FOR INDIVIDUAL RESPONSIBLE  
FOR INSTALLATION, PERIODIC CHECKING AND  
MAINTENANCE OF THE WIND TURBINE:  
HY-VEE FOOD STORES, INC.  
5820 WESTOWN PARKWAY  
WEST DES MOINES, IA 50266  
PH: (515) 287-2500  
CONTACT: NATALIE MC GEE CURRENT OFFICE  
MANAGER
3. WIND TURBINE SPECIFICATIONS:  
UGE VISIONAIR3 (MODEL: UGE-3M)  
AXIS VERTICAL  
HEIGHT 3.2 M (10'-6")  
WIDTH 1.8 M (5'-11")  
SWEEP AREA 5.76 M<sup>2</sup> (62 FT<sup>2</sup>)  
WEIGHT 300 KG (662 LBS)  
BLADE MATERIALS FIBERGLASS  
HINNED TOWER: 10 M
4. BOUNDARY AND TOPOGRAPHIC INFORMATION TAKEN  
FROM SURVEY DATED MARCH 17, 2014, ARE PREPARED  
BY CIVIL ENGINEERING CONSULTANTS, INC. 2400 86TH  
STREET, UNIT 12, DES MOINES, IOWA 50322 (P)  
514.276.4884.



P:\N:\2013\Des Moines Projects\13017 - Hy-Vee Food Stores\13.00-Layout Plan.dwg - JILL BOETGER  
Plotted: 03/27/2015 5:11:23 PM Save Date: 3/27/2015 4:19 PM







NOTICE:

1. Environmental temperature should be equal to or greater than -20 C, unless otherwise specified.
2. Galvanising per ASTM A123.
3. Design wind speed = 50 m/s [110 mph].
4. All units are in mm (inches).
5. UGE Product Number for the tower shown is UGE-3M-T1000H.

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PHONE: (917) 720-5655  
www.urbangreenenergy.com

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TOWER DRAWINGS PRODUCED BY ARE STRUCTURES

PROJECT:  
UGE TOWER DESIGNS

DRAWING #:  
UGE-03M-DR-007

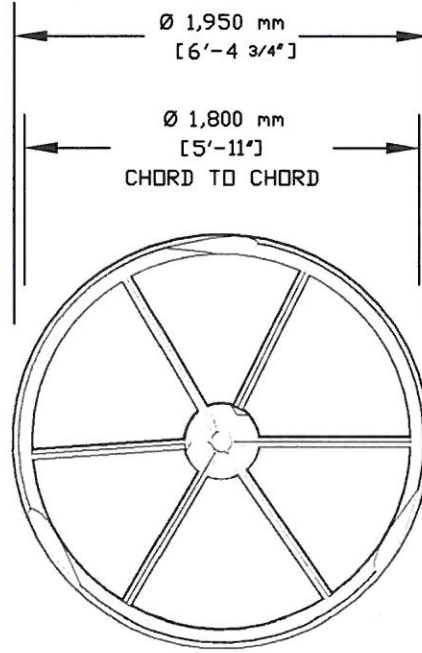
REVISION:  
1.0

DRAWING TITLE:  
10m HINGED TOWER TO SUPPORT VISIONAIR3 WIND TURBINE

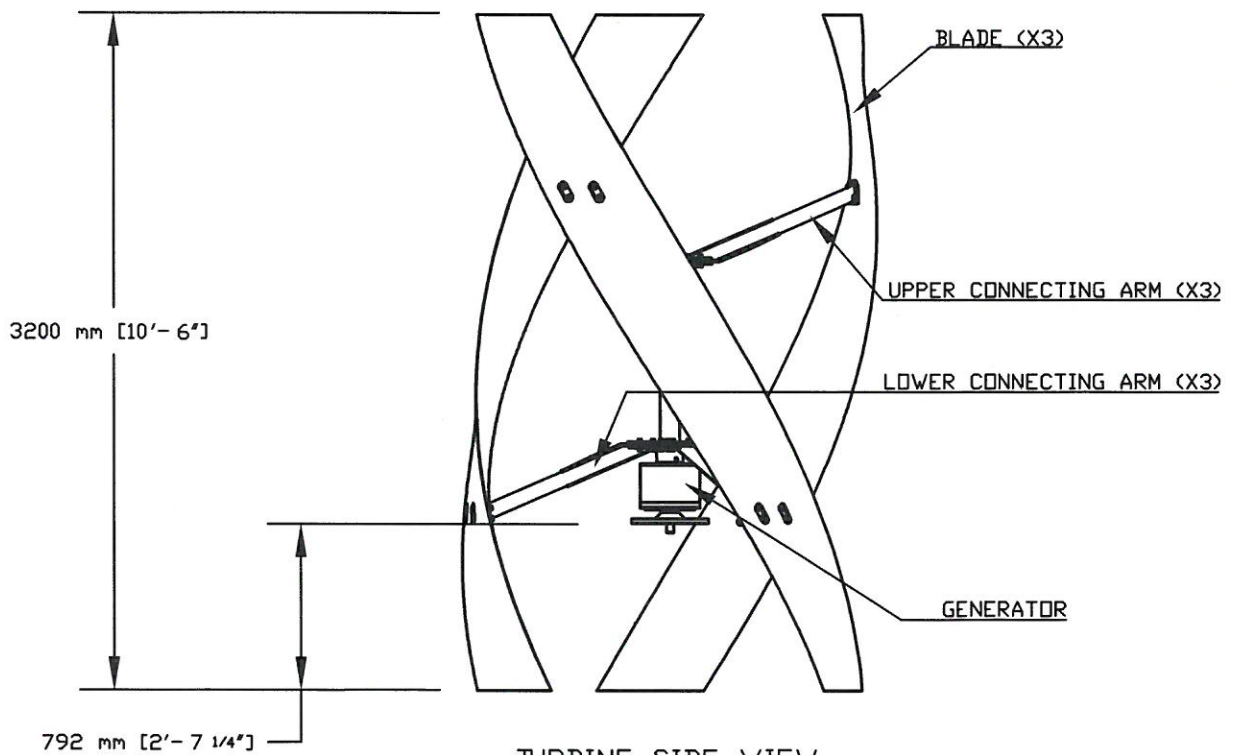


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2. ALL VALUES ARE SHOWN 'METRIC (ENGLISH)'
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TURBINE TOP VIEW



TURBINE SIDE VIEW

**PROPRIETARY AND CONFIDENTIAL**

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PREPARED FOR:  
CUSTOMER USE

PROJECT:  
UGE-3M TURBINE

DRAWING TITLE:

VISIONAIR3 TURBINE - DIMENSIONAL DRAWING

DATE: 02/28/2014

DRAFTED BY: GM

CHECKED BY: SVP

DRAWING #  
UGE-03M-DR-003

REVISION:  
-



**Urban Green Energy**

330 West 38th Street, Suite 1103, NY, 10018 USA  
PHONE: (917) 720-5685  
www.urbangreenenergy.com